

DOC # PMA-1003	Procedure: Packet Preparation	Date: September 27, 2017
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Standard: Standard procedure.	Approved By: Daniel D. Leon Guerrero Executive Director	Date Approved: 2/19/2019

HEARING PACKET PREPARATION

Policy:

The mission is to insure the Commissioners (CSC), Administrative Law Judge (ALJ), Executive Director, Administrative Counsel, Personnel Management Administrator and the Parties representatives receive a Hearing Packet before the noticed date of the hearing.

Purpose:

To insure CSC, ALJ, Executive Director, Administrative Counsel, Personnel Management Administrator, Parties Representative and any Witness(s) are prepared for a scheduled hearing and can follow along with the presentation of proposed evidence, submitted by the parties.

Scope:

Primarily the Board Secretary, however all employees of the Legal Division (LD) and the Personnel Management Division (PMD) are required to know this policy because of coverage requirements.

Responsibilities:

Board Secretary; To include all employees of the LD and PMD Divisions.

Definitions:

Hearing Packet – Documents (proposed evidence) submitted by the investigator, or the parties representatives, regarding a Investigation Hearings, Motion Hearing or the Hearing on the Merits before the Commission or Administrative Law Judge.

Procedure: (preparation)

- 1.1 Prepare opening statement for Chairperson or Administrative Law Judge. Prepare packet dividers - Cover page of, CSC Documents, Managements Documents, and Employee Documents. Use color code requirements for cover pages; Adverse Action Hearing - Pink, Grievance Hearing – Orange, all other cases (WB, PA, MH, ect.) – Yellow. Cover pages for CSC documents – White, Managements documents – Blue, and Employee documents – Green.

1.2 Cover Page

- a. Cover page should reflect the appropriate color code for the type of appeal or complaint.
- b. Identify a CSC or ALJ hearing
- c. Identify the type of hearing.
- d. Hearing date to include, day, month, and year.
- e. Employee's name.
- f. The word Verses or vs.
- g. Management's agency or department.
- h. Case number.
- i. Type of action for case.

1.3 Opening Statement

- a. The standard opening statement may be read by the Chairperson or ALJ, citing that the hearing is now in session, type of appeal, case number, employee name vs agency or department, introduction of Commissioners and CSC staff, and introduction of the parties.
 1. For a Motion Hearing the standard opening statement should identify all motion(s) that were filed and should state that the hearing will be strictly confined to the Motion(s) filed, and identify the moving party. The "points of procedure" should state the hearing is open to the public, the order of the presentation (moving party first, response by the opposing party second, and then closing of the moving party). That the hearing is being recorded and that only one person speak at a time. Lastly, ask the parties if there are any housekeeping issues that need to be addressed prior to moving forward.
 2. For a Hearing on the Merits the standard opening statement should identify the charges against the employee. The "points of procedure" should state the hearing is open to the public, that witness testimony will be under oath and the Chairperson or the ALJ will administer the oath, identify which party has the burden of proof, the order of presentation (opening statement by them parties, followed by the presentation of evidence by parties and then closing arguments by the parties. That the hearing is being recorded and that only one person speak at a time. Lastly, ask the parties if there are any housekeeping issues that need to be addressed prior to moving forward.

1.4 CSC Documents (white)

- a. Should contain the employee's appeal or complaint.
- b. Should contain the Notice of Proposed of Adverse Action (NPAA) if applicable.
- c. Should contain the Final Notice of Adverse Action (FNAA) if applicable.
- d. Should contain grievance review board findings if applicable.

Note: If any of the above documents are provided in the parties exhibits, then the CSC document is replaced by the exhibit number where the document could be located.

1.5 Managements Documents (blue)

- a. All documents submitted by management for a motion hearing or hearing on the merits, documents should be tabbed accordingly, ie M1, M2, M3, etc. (remember – the moving party's documents will be first.)

1.6 Employees Documents (green)

a. All documents submitted by employee for a motion hearing or hearing on the merits, documents should be tabbed accordingly, ie E1, E2, E3, etc. (remember – the moving party's documents will be first.)

1.7 A total of 13 sets of packets are required for a investigation, motion or hearing on the merits. The distribution will be as follows; 7 sets for Commissioners, 1 for the Administrative Law Judge, 1 for the Executive Director, 1 for the Administrative Counsel, 1 for the Personnel Services Administrator, 1 for the Witness(s) and 1 original for the Case File. All original documents should be fasten to the case file and should not be used as part of the packet.

Note: On investigation matters there is no witness packet required, however the parties will need a packet, therefore staff will have to generate 1 additional packet plus utilizing the witness packet, issue to the parties.

Procedure: (action 1)

2.1 The Case Manager shall assemble 1 complete packet for the review and approval of the Personnel Management Administrator. Upon approval of the assembled packet, the case manager will forward the packet to the Board Secretary or alternate person to replicate.

2.2 The Case Manager shall give all remaining copies (12 sets) to the Board Secretary or alternate to complete the remaining required packets.

Procedure: (action 2)

3.1 The Board Secretary shall then distribute the 12 completed packets in advance as much as possible prior to the scheduled hearing. This is to prevent a "packet run".

3.2 Should a packet run be required, the Board Secretary shall deliver the packets to each Commissioner's preferred drop off point. If the packet is thin enough to be scanned, the packet can be e-mailed to the Commissioners and advised the hard copy packet is available at the office.

Procedure: (action 3)

4.1 On the scheduled hearing date, the Board Secretary shall then place all remaining packets on the appropriate Commissioner's desk.

4.2 Should the hearing be delayed for a lengthy period of time, the Board Secretary shall retrieve all packets for re-distribution at a later date.

Effectiveness Criteria:

- The packet is delivered to all required personnel in advanced, with a goal of not less than 2 weeks.

References:

AA, GRE, PA, WB – Rules of procedure.

Form Number	Record/Form/Activity Name	Satisfies Clause
Revised SOP 13-01	Commissioners Packet Preparation for Hearing on the	Yes

	Merits	
Revised SOP 13-02	Commissioners Packet Preparation for Motion Hearing	Yes